

March 16, 2015

Lafayette Consolidated Government

Unified Development Code



Contents

Article 7.	Agencies.....	2
89-120	Administrator.....	2
89-121	Planning and Zoning Commission.....	2
89-122	Board of Zoning Adjustment.....	2
89-123	Hearing Examiner.....	5
89-124	Areawide Development Review Committee.....	6
89-125	to 89-249 Reserved.....	6

Article 7. Agencies

89-120 Administrator

(a) Designation

The Director of the PZD is the official charged with administering this Chapter.

(b) Authority and Duties

- (1) Except where otherwise specifically provided in the UDC, the Administrator is charged with administering the UDC.
- (2) The Administrator may promulgate and make public reasonable rules and regulations for the purpose of proper enforcement of the provisions of this Chapter, provided that the rules and regulations shall not be inconsistent with the provisions of this Chapter, the LCG Charter, or the Constitution of the State of Louisiana.
- (3) The Administrator has the authority and duties established in Section 4-09 of the LCG Charter.
- (4) The Administrator may delegate any of its authority or duties assigned by the UDC to any professional staff in the PZD. In that case, any reference to the Administrator in this Chapter refers to that staff member when acting within the scope of their delegated authority.

89-121 Planning and Zoning Commission

(a) Establishment

The Planning and Zoning Commission is established by Section 4-10 of the LCG Charter.

(b) Authority and Duties

- (1) The Planning and Zoning Commission has the authority and duties assigned in Section 4-10 of the LCG Charter and this Chapter.
- (2) The Planning and Zoning Commission may establish any policy, procedure, rule, and/or regulation concerning the conduct of its affairs, including, but not limited to, the conduct of its meetings as the Planning and Zoning Commission in its sole direction shall deem necessary for the conduct of its business.

89-122 Board of Zoning Adjustment

(a) Establishment

- (1) As of the effective date of the Home Rule Charter, there was in existence the Board of Zoning Adjustment. The Lafayette City-Parish Council reorganizes that existing Board under the terms and conditions contained in this § 89-122.
- (2) Pursuant to the Home Rule Charter for Lafayette City-Parish Consolidated Government, the Lafayette City-Parish Council may, by ordinance, reorganize any Board or commission in existence at the date the Charter becomes effective. By adopting Ordinance, O-180-96, as amended, the Lafayette City-Parish Council recognized and reorganized the Board of Zoning Adjustment previously established by Ordinance O-191 of the Code of Ordinances of the City of Lafayette, Louisiana.
- (3) The Board shall continue to be known as the Board of Zoning Adjustment.

(b) Members

- (1) The Board shall consist of five members and two alternate members.
- (2) Any member or alternate member must a registered voter and domiciled within the corporate limits of the City of Lafayette, Louisiana, at the time of his/her appointment. He/she must remain a land owner and a registered voter and domiciled within the corporate limits of the City of Lafayette, Louisiana during his/her term of office.
- (3) The two alternate members shall serve only when called upon to constitute a quorum. When serving, alternate members have all of the powers and duties of regular members.

(c) Appointment

- (1) The **City-Parish President** shall directly appoint 1 member.
- (2) The **Lafayette City-Parish Council** shall directly appoint 4 members. One of the 4 members shall be a minority as defined by La. R.S. 38:2233.2. The two alternate members shall be the direct appointments of the Lafayette City-Parish Council as a whole.
- (3) **Initial appointments.** The initial Board, as reorganized, shall be appointed by resolution of the Lafayette City-Parish Council.

(d) Removal, Vacancies, and Subsequent Appointments

- (1) All members are removable for cause by the appointing authority upon written charges and after public hearing as provided by La. R.S. 33:4727.
- (2) Any vacancy shall be filled for the unexpired term of any member whose term becomes vacant.
- (3) Subject to the foregoing, all of the above members shall continue to serve until the expiration date of their appointment.
- (4) Any appointment made after these initial appointments are removable for cause by the appointing authority upon written charges and after public hearing.

(e) Term

- (1) **Members.** Subject to the provisions established above, appointments of members are for a period of 5 years from the date of appointment as provided by La. R.S. 33:4727.
- (2) **Alternate Members.** One alternate member shall be appointed for a term of 3 years and the second alternate shall be appointed for a term of 2 years. Thereafter, each alternate member will be appointed for a term of 3 years.
- (3) **Term Limits.** The limitation of service is 3 consecutive terms but in no case to exceed 12 consecutive years. In the case of these initial appointments, prior service on the Board is counted toward this term limitation. Service of one-half or more of an unexpired term is considered a term within the meaning of this limitation.
- (4) **Reappointment after Term Limit Served.** An individual may be reappointed to this Board after the term limit in subsection (3) expires only after 4 years elapses since the last day of service of that individual on this Board.
- (5) **Notification of Appointment.** The appointing authority for any appointments shall communicate, in writing, to the Clerk of the City-Parish Council the name of the appointee, the name of this Board, and the date of the appointment. All appointments to this Board shall be memorialized by adoption of an ordinance or resolution of the Lafayette City-Parish Council.

(f) Authority and Duties

- (1) The Board of Zoning Adjustment has the following powers:
 - a. To hear and decide variances and appeals pursuant to Article 4 of this Chapter. (\Leftrightarrow see § 89-68)
 - b. To hear and decide all matters referred to it or upon which it is required to pass under this Chapter.
 - c. To adopt its rules and regulations, which become effective only after they are approved in writing by the Lafayette City-Parish Council.
- (2) General policy. The Board shall be subject to the general policy for all Boards, commissions, and/or agencies established in any Resolution by the Lafayette City-Parish Council. The Board shall also be subject to all applicable provisions of Louisiana law, including, but not limited to, La. R.S. 33:4727.

(g) Meetings

- (1) Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.
- (2) The chairman or, in his absence, the acting chairman or vice-chairman may administer oaths and compel the attendance of witnesses.
- (3) All meetings of the Board shall be open to the public.
- (4) The Board shall keep minutes of its meetings showing the vote of each member upon each question or if absent or failing to vote indicating the fact, and shall keep records of the examination and other

official actions, all of which shall be filed immediately in the office of the Board and shall be public records.

- (5) All testimony, objections thereto, and rulings thereon, shall be taken by an auditory recording or by a reporter employed by the Board for that purpose.

(h) Procedures

- (1) The Board may establish any policy, procedure, rule, and/or regulation concerning the conduct of its affairs, including, but not limited to, the conduct of its meetings as the Board in its sole direction shall deem necessary for the conduct of its business.
- (2) The Board shall elect, at its first meeting and annually thereafter, a chairman, a vice-chairman, and a secretary from its membership. The term of each office shall be for one year, with eligibility for reelection. Three members of the Board shall constitute a quorum for all purposes.

(i) Reports

The Board shall keep an accurate record of all of its meetings and shall at least annually give to the Lafayette City-Parish Council both a written and oral report on the Board's activities for the prior year. The Board shall provide to the clerk of the Lafayette City-Parish Council, copies of the minutes of each of its meetings.

(j) Audit

If the City-Parish Council determines that this Board is an entity which must be audited, the Council shall have the right, by separate Council Resolution (1) to select and designate an auditor for the Board; (2) to determine the cost of any such audit; (3) to determine how the cost of such audit shall be paid. Furthermore, the Lafayette City-Parish Council will have the right to designate a private auditor to make any audit which it desires concerning the financial affairs of the Board.

(k) Budget

The annual proposed budget of the Board, if any exists, shall be submitted by the Board to the Lafayette City-Parish President no later than 60 days before the end of the Board's fiscal year. The city-parish president shall have the proposed budget reviewed and shall submit his/her findings, if any, to the Lafayette City-Parish Council, together with his/her recommendations, if any, within 30 days after his/her receipt of the proposed budget. The Lafayette City-Parish Council shall approve each annual budget for this Board and shall have the ability to approve and/or deny any part or portion of the proposed budget of this Board.

(l) Legal Representation

The Lafayette City-Parish Attorney, or his designee, shall serve as the legal advisor of this Board.

89-123 Hearing Examiner

(a) Establishment

- (1) There is hereby created the Office of Hearing Examiner.
- (2) The Hearing Examiner shall be the person who is serving as Director of the PZD.

- (3) The Hearing Examiner may appoint a designee to perform their duties from time to time if they are unable to conduct certain hearings due to scheduling or other conflicts.

(b) Authority and Duties

The function of the Hearing Examiner is to:

- (1) Review subdivision plat applications which qualify under either R.S. 33:113 or 33:113.1 for approval without public hearing or which qualify for consideration and administrative approval.
- (2) When a plat application comes before the Hearing Examiner under Article 4 of this Chapter, approve or certify certain plats involving minor modifications of existing parcels, including boundary line adjustments.
- (3) On a monthly basis, provide the Planning and Zoning Commission with a summary of all plats acted upon by the Hearing Examiner, so that the Planning and Zoning Commission may review, analyze and otherwise monitor the activities of the Hearing Examiner.
- (4) Enforce the provisions of both state law and applicable subdivision regulations relative to the creation of illegal subdivisions and the territorial jurisdiction covered by the respective subdivision regulations. In that regard, the Hearing Examiner may take any one or more of the following actions:
 - a. Deny the granting of building permits for the construction of improvements upon property which are subdivided without compliance with these subdivision regulations.
 - b. Turn over to legal counsel for the LCG any found violations for purpose of prosecution under R.S. 33:114.
 - c. Resort to such other remedies as are provided by state law or local ordinance.
- (5) Grant extensions of letters of credit as provided in Article 4 of this Chapter.

89-124 Areawide Development Review Committee**(a) Establishment**

There is established an Areawide Development Review Committee (“ADRC”) consisting of representatives of the various LCG departments and agencies, committees or boards with control over public facilities or services, or public or private utilities or franchises.

(b) Authority and Duties

- (1) The ADRC may review plats is reviewed for compliance with drainage, transportation, zoning, utilities, and similar requirements of this Chapter, and
- (2) Make a recommendation of approval, conditional approval or denial to the Hearing Examiner or Planning and Zoning Commission.

89-125 to 89-249 Reserved